

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JERRY D. POUGH,

Plaintiff,

v.

JEREMY BEAN, *et al.*,

Defendants.

Case No. 2:24-cv-02098-CDS-EJY

**ORDER**

On November 8, 2024, Plaintiff submitted an incomplete application to proceed *in forma pauperis* (“IFP”) together with initiating documents entitled “Motion for Production of all Illegally Seized Property” and “Petition for Writ of Injunction.” ECF Nos. 1, 1-1, 1-2. Plaintiff did not submit a Complaint. On November 19, 2024, the Court ordered Plaintiff to file a complete IFP and a Complaint no later than December 27, 2024. ECF No. 3. Upon review of ECF Nos. 1 and 7, Plaintiff filed a complete IFP but did not file a Complaint. Instead, Plaintiff filed a Motion to Extend Copy Work Limit and a Motion to be Excused from Using the High Desert State Prison’s E-Filing Service. ECF Nos. 4, 6. As explained in the Court’s prior Order, to initiate a civil action in federal court, Plaintiff must file a Complaint on the approved form provided by the Court. *See* Local Rule LSR 2-1. The Court grants Plaintiff until February 7, 2025, to file a Complaint.

The Court denies Plaintiff’s Motion to Extend his prison copy work limit. ECF No. 4. An inmate has no constitutional right to free photocopying. *Johnson v. Moore*, 948 F.2d 517, 521 (9th Cir. 1991). Under Nevada Department of Correction’s (“NDOC”) administrative regulation 722.01(7)(E), inmates “can only accrue a maximum of \$100 debt for copy work expenses for all cases, not per case.” In this district, courts have ordered a prison to provide limited photocopying when it is necessary for an inmate to provide copies to the court and other parties. *Allen v. Clark Cnty. Det. Ctr.*, Case No. 2:10-cv-00857-RLH, 2011 WL 886343, at \*2 (D. Nev. Mar. 11, 2011). Here, Plaintiff has not properly initiated a case in this Court because he has not submitted a Complaint. As such, Plaintiff has not demonstrated a need to extend his copy work limit.

1 Moreover, when Plaintiff uses the prison's e-filing system, he retains the original copy of his  
2 document.

3 Plaintiff submitted a 15-page motion that seeks to be excused from HDSP's e-filing system.  
4 ECF No. 6. Plaintiff's Motion is difficult to understand but he seems to outline issues with the  
5 HDSP's law librarian and the library's deficiencies. *See id.* The Court denies the Motion at this  
6 time. However, the Court notes that the HDSP law librarian returned mail as undeliverable for  
7 Plaintiff with a notation that Plaintiff was "not @ HDSP." ECF No. 9. A review of NDOC's  
8 inmate database reveals Plaintiff is at HDSP. The Court will send Plaintiff copies of this Order  
9 and docket sheet both through U.S. mail and HDSP's e-filing system. If Plaintiff continues to have  
10 issues with HDSP's e-filing system, he may raise this issue again.

11 Accordingly, IT IS HEREBY ORDERED that no later than **February 7, 2025**, Plaintiff  
12 must file a Complaint on this Court's approved form.

13 IT IS FURTHER ORDERED that failure to file a Complaint on or before **February 7,**  
14 **2025**, will result in a recommendation to dismiss this action without prejudice. A dismissal without  
15 prejudice allows Plaintiff to file his case with the Court, under a new case number, when he is able  
16 to file a Complaint and comply with LSR 2-1 and file a complete application to proceed *in forma*  
17 *pauperis* or pay the required filing fee.

18 IT IS FURTHER ORDERED that the Motion to Extend Copy Work Limit (ECF No. 4) is  
19 DENIED.

20 IT IS FURTHER ORDERED that the Motion to be Excused from Using HDSP's E-filing  
21 System (ECF No. 6) is DENIED without prejudice.

22 IT IS FURTHER ORDERED that the Clerk of the Court must send to Plaintiff: (1) the  
23 approved form for filing a 42 U.S.C. § 1983 complaint and instructions; and (2) a copy of the  
24 docket sheet.

1 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff as a one-time  
2 courtesy copy of this Order, the approved form for filing a 42 U.S.C. § 1983 complaint and  
3 instructions, and the docket sheet by U.S. mail to Plaintiff at **High Desert State Prison, P.O. Box**  
4 **650, Indian Springs, Nevada 89070-0650.**

5 DATED this 7th day of January, 2025.

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8 ELAYNA J. YOUCHAH  
9 UNITED STATES MAGISTRATE JUDGE  
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